

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 3 NOVEMBER 2011**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor David Snowdon (Chair)

Councillor Peter Golds  
Councillor Amy Whitelock

**Officers Present:**

Paul Greeno	- (Senior Advocate)
Nick Kemp	- (Licensing Officer)
John McCrohan	- (Trading Standards Service Manager)
Kerry Mure	- (Senior Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

PC Alan Cruickshank	- (Metropolitan Police)
Howard Spratt	- (Local Resident)
Anthony Edwards	- (Sheba)
Anthony O'Connell	- (Sheba)
Aktar Miah	- (Sheba)

**Objectors In Attendance:**

Muktar Miah	- (Bengal Village)
Imam Uddin	- (Bengal Village)
Sarah Le Fevre	- (Punch Taverns)
Stuart Brown	- (Punch Taverns)

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence was received on behalf of Councillor Rajib Ahmed for whom Councillor Amy Whitelock substituted for.

**2. DECLARATIONS OF INTEREST**

There was no declarations of interest.

**3. RULES OF PROCEDURE**

The Rules of Procedures were noted.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a Transfer of Premises Licence Holder for Sheba, 136 Brick Lane, London, E1 6RU**

This item was deferred at the meeting and agreed to be considered at the Extraordinary Licensing Sub Committee on 28 November 2011.

**4.2 Application for a Variation of Designated Premises Supervisor for Sheba, 136 Brick Lane, London, E1 6RU**

This item was deferred at the meeting and agreed to be considered at the Extraordinary Licensing Sub Committee on 28 November 2011.

**4.3 Application to Review the Premises Licence for Bengal Village, 75 Brick Lane, London E1 6QL**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for Bengal Village, 75 Brick Lane, London E1 6QL. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair, Mr John McCrohan, Trading Standards Manager referred to his statement on pages 105-107. He explained that a test purchase was carried out at the premises where the test purchasers had been induced to enter the premises by a male tout. It was noted that the premises licence had a condition that stated that the premises will not knowingly allow any person by payment or otherwise to solicit for custom for that premises by offering inducements or other concessions. This condition was breached. It was noted that when the Licensing Officers went to the premises after the test purchasers had left, they met with one of the Premises Licence Holders, Mr Suhel Miah who behaved aggressively towards them, although at the end of the visit he apologised to them for his behaviour.

Mr McCrohan concluded by requesting the Sub Committee to suspend the licence for a period of time and to replace the current condition on Annex 2 of the premises licence with the two standard conditions in relation to touting. He also stated that the Premises License Holders were willing to sign up to the Anti-Touting Policy.

At the request of the Chair, Mr Muktar Miah, Licensing Representative for the Mr Imam Uddin, Premise Licence Holder, explained that management acknowledged what had happened and apologised for the incident, he explained that this was a one off incident as the business was suffering financial loss and had outstanding payments at the time and on that particular day the restaurant was empty and they had been approached by a tout who said he could fill the restaurant with customers. He concluded that it was the first time, they were sorry and this would not happen again and urged Members not to suspend the licence.

Mr Imam Uddin, apologised for the incident, stated that they had not employed touts since the test purchase and had learnt their lesson and believed to be unlucky to have been caught on the day.

In response to questions, Mr Uddin acknowledged his business partners behaviour and explained that his behaviour was due to stress as the business was suffering from financial loss. It was also noted that Mr Uddin was aware of the existing condition on the premise licence to not solicit for custom and that he was happy to accept the conditions proposed by Trading Standards.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.15pm. The Chair reported that;

Members carefully considered the representations made by the Trading Standards Service and Mr Miah and Mr Uddin. In particular, Mr John McCrohan provided evidence in respect of a test purchase that occurred on the evening of 24 March 2011 where the test purchasers were induced to enter the premises by a male tout who escorted them to the restaurant.

Members had also read the evidence which explained that Mr Suhel Miah, the Premise Licence Holder was very aggressive towards Council Officers when they approached him on 24 March 2011 to discuss the test purchase.

Mr McCrohan, requested that in order to improve the management of the premises and to address concerns about crime and disorder and the prevention of public nuisance, that the Committee adds two conditions to the Premises Licence in relation to touting.

The key representations and arguments made by Mr Miah and Mr Uddin included that they were very apologetic about the incident, that this was the first time this had happened, that the business was experiencing a severe downturn in business, and the restaurant was empty and they were approached by a young man who said he could fill up the restaurant and staff had agreed to this. They were agreeable to the proposed conditions being placed on the licence, and they were aware of the condition on Annex 2 and claimed to be just unlucky to have been caught. Members were not satisfied at the explanation given by Mr Miah and Mr Uddin and are concerned that Mr Miah knew about the condition and had ignored it.

The Licensing objectives relevant to the Members decision were crime and disorder and public nuisance. In reaching a decision Members had regard to the Licensing Guidance and the Council's Statement of Licensing Policy.

Members decided to remove the condition in Annex 2 and add the conditions proposed by the Trading Standards Service for the reason that this step was necessary and proportionate to promote the licensing objectives of crime and disorder and public nuisance and they also considered it appropriate to suspend the licence for a period of 10 days.

The decision was unanimous.

### **RESOLVED**

That the review application for **Bengal Village, 75 Brick Lane, London E1 6QL** be **Granted** with conditions.

#### **Suspension**

Licensable actives to be suspended for a period of 10 days.

#### **Conditions**

Annex 2 to be removed and replaced with the following conditions;

1. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public within a 500 meter radius of the premises.
2. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

#### **4.4 Application for Review under Section 53 A of the Licensing Act 2003 for Forty Fives, 45 Mile End Road, London E1 4TT**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for Forty Fives, 45 Mile End Road, London E1 4TT. It was noted that the review had been triggered by Metropolitan Police and supported by local residents.

At this point Mr Nicolas Clark, Legal Representative for Ms Beata Johnson, former Designated Premises Supervisor, addressed the Committee and requested to speak on behalf of Ms Johnson. He stated that the statutory period of notice was not given and that they had not seen the advertisement. Mr Kemp explained that there had been an error in the display of the notice as it should have been advertised for the period until 31<sup>st</sup> October and not until 28<sup>th</sup> October, which is when the statement had been displayed till. It was noted that Ms Johnson had only contacted the office today to make a representation. Mr Clark explained that having seen the notice, Ms Johnson

had thought that she was out of time and hence not contacted the office until today.

The Chair adjourned the meeting at 7.20pm to consider the request, they reconvened at 7.25pm.

The Chair asked if the applicant, PC Cruickshank and the representative on behalf of the Premises Licence Holder, Mr Brown, would accept this representation at such short notice. Both parties objected to this request. Mr Brown and PC Cruickshank confirmed that Mr Johnson was aware of the meeting details and had informed them that his wife would be attending the meeting.

In light of the objection the Chair did not grant the request by Mr Clark to speak at the meeting. However it was noted that Members would have the opportunity to ask questions of Ms Johnson if required.

At the request of the Chair, PC Alan Cruickshank went through his statement and explained that the removal of the DPS, Ms Beata Johnson was due to her lack of management, control and supervision which had led to the number of incidents and the review application. Mr Cruickshank expressed his general concern about the premises in terms of the current hours on the premises licence, non enforcement of conditions and the noise nuisance. He then suggested a reduction in hours for the licence and recommended a number of conditions which would help address the concerns he had raised.

At the request of the Chair, Mr Howard Spratt, resident objector explained that the level of noise was a major problem for him and local residents and that the building had no sound proof provisions as the premises had a glass shop front and therefore the building was extremely noisy with no management of sound.

At the request of the Chair, Ms Sarah Le Fevre, Counsel for Punch Taverns explained the history of the premises and accepted what had happened. She explained that in recent months her clients had been trying to contact Ms Johnson, however no contact was made. It was noted that Ms Johnson had been the DPS for some years, had a personal licence and can be responsible however poor management over the recent period had led to the review being triggered. It was noted that Ms Johnson's behaviour was unacceptable and representatives from Punch Taverns had made many attempts to meet with her but had no luck. It was noted that Punch Taverns were currently seeking legal proceeding to remove Ms Johnson from the premises.

Ms Le Fevre highlighted the legal proceedings which had been carried out so far and stated that they had not been aware of any noise complaints until now.

She highlighted that Punch Taverns had been cooperating with the Police throughout the process and even prior to this and had no resistance with the suspension of the licence for the interim period. It was noted that they wished to continue to work with the police and were looking for a responsible operator for the premise as the shift in management would solve the issues.

Ms Le Fevre then briefly went through conditions which the police had recommended with slight amendments. She concluded by stating that the recent history with the DPS had caused the problems and a fundamental change in management control would deal with all the concerns raised by the Police and in terms of noise nuisance this would be closely monitored and contact details for Mr Stuart Brown will be available for residents if they were to have any complaints or concerns.

Members asked questions about when the problems first started with the premises, how long the DPS was on the premises licence for, the make up of the building, the impacts on residents due to noise nuisance and the type of venue it was and the clientele it had.

The Chair advised that the Sub Committee would at 8.15pm adjourn to consider the evidence presented. The Members reconvened at 9.10pm. The Chair reported that;

Members listed to the representations made by the Metropolitan Police, Mr Howard Spratt and from Punch Taverns. Members welcomed the negotiations and dialogue by the parties at the hearing.

This was an application to review the premises licence for Forty Fives Public House which was triggered following a Section 53A review application by the Metropolitan Police arising from their concern regarding a number of recent incidents of serious crime and disorder.

Members have had regard to the Licensing Guidance and the Council's Statement of Licensing Policy. Members did not consider it appropriate or proportionate to take no further action.

Members have decided it is necessary and proportionate for the purpose of promoting the crime and disorder and public nuisance objective to amend the hours of permitted licensable activities and impose additional conditions.

The decision was unanimous.

### **RESOLVED**

That the review application for **Forty Fives, 45 Mile End Road, London E1 4TT** be **Granted**.

#### **Sale of Alcohol (On and Off Sales)**

Sunday from 12:00 hours to 00:00 hours (midnight)

Monday to Thursday from 11:00 hours to 00:00 hours (midnight)

Friday and Saturday from 11:00 hours to 01:00 hours

#### **Regulated Entertainment (Live or recorded music, facilities to provide entertainment of a similar nature)**

Sunday from 12:00 hours to 22:30 hours

Monday to Thursday from 11:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 11:00 hours to 01:00 hours

Opening Hours of the Premises

Sunday from 12:00 hours to 00:30 hours  
Monday to Thursday from 11:00 hours to 00:30 hours (midnight)  
Friday and Saturday from 11:00 hours to 01:30 hours

Conditions

1. The Designated Premises Supervisor, Ms Beata Johnson is to be removed from the premise licence.
2. The following three people to be excluded from the premises and have no role in managing or operating the premises;
  - Beata Johnson
  - Alan Johnson (aka Erhan Oktar)
  - Shan Hassan
3. No drinks to be taken and consumed outside the premises after 10pm.
4. When licensable activities occur after midnight, two SIA registered door staff shall be on the premises from 8pm.
5. Within 28 days to commission a noise survey report and to provide this report to Police, Licensing Section and Environmental Health and to work with local residents and Environmental Health to address noise nuisance.
6. All external promoted events to be notified to the police with a risk assessment at least 30 days advance of any event.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

The Chair extended the decision by dates for the applications listed below to the following hearing dates;

<b>Premises</b>	<b>Decision by</b>	<b>Hearing</b>
<b>Best Mangal, 503 Cambridge Heath Road, London E2 9BU</b>	13/11	<b>15/11</b>

The meeting ended at 9.20 p.m.

Chair, Councillor David Snowdon  
Licensing Sub Committee